

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.25613 OF 2006

Between :

Samuel son of Laxmaiah and others

... Petitioners

And

The S.H.O Kalwakurthy Police Station and others

... Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.25613 OF 2006

ORAL ORDER:

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The substantive grievance of the writ petitioners is that their complaint dated.01-12-2006 addressed and lodged with the 1st respondent has not been registered.

The 1st respondent has filed a counter-affidavit stating that the 3rd respondent had lodged a complaint with the police on 01-12-2006 against the petitioners alleging criminal trespass by the petitioners on 29-11-2006. Crime No.197 of 2006 was accordingly registered and investigation taken up. The counter-affidavit denies the petitioners' assertion that a complaint was lodged by the petitioners on 01-12-2006 as well as the allegation that the petitioners had informed him the answering respondent of an injunction order of injunction granted by the Civil Court in I.A.No.760 of 2006 in O.S.No.240 of 2006. It is stated that a written complaint against the 3rd respondent and others was lodged by the petitioners on 20-12-2006, being a

representation made by the petitioners to the Superintendent of Police dated.02-12-2006 with an endorsement thereon by the Superintendent of Police, and on that Crime No.207 of 2006 was registered and investigation would be pursued in due course.

In the light of the averments in the counter-affidavit some of which are denied in the reply affidavit by the petitioners, this Court finds no justification to proceed further in the matter. If the petitioners have a grievance that the party respondents had defied the order of the injunction granted by the civil Court in I.A.No.760 of 2006 in O.S.No.240 of 2006, the petitioners may seek appropriate relief before the Civil Court or may pursue a private complaint against the 3rd respondent and others, if the registration of Crime No.207 of 2006 and investigation therein does not appear to the petitioners to be adequate to protect their interests.

The writ petition is accordingly dismissed with the above observation at the stage of admission. In the circumstances no order as to costs.

GODA RAGHURAM,J

3rd January 2007
*TSNR